

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

MICHAEL O. WAFFORD,

Petitioner,

vs.

EDWARD L. EVANS, Acting Director,

Respondent.

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Case No. CIV-05-998-R

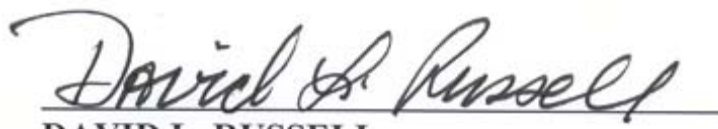
ORDER

This matter is before the Court for review of the interlocutory Report and Recommendation entered by United States Magistrate Judge Gary M. Purcell on August 30, 2005. The Magistrate Judge recommended that the Petitioner's motion for leave to proceed *in forma pauperis* be denied, and the case be dismissed without prejudice unless the Petitioner paid the \$5.00 filing fee by September 19, 2005. The Report and Recommendation advised the Petitioner of his right to object thereto on or before September 19, 2005, and further advised him that a failure to make a timely objection would waive his right to appellate review.

The Petitioner has not filed an objection to the interlocutory Report and Recommendation, but did pay the requisite filing fee on September 15, 2005. Accordingly, the Report and Recommendation is hereby ADOPTED. The Petitioner's motion for leave to proceed *in forma pauperis* is hereby DENIED. Dismissal of the Petition is not warranted in light of the Petitioner's

payment of the filing fee. Accordingly, the case is again referred to the United States Magistrate Judge for further proceedings.

IT IS SO ORDERED this 29th day of September, 2005.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE